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7 Attorneys for Defendants
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9 *Leslie Healer, Agnes Horn, Felix Kreskey,*
 Grant Luce, Jack Palmer, Rex Reed,
 Melissa Travis, Lisa Walsh, Adam Watson,
 Kenneth Webb, and Jonathan Wilson

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

13 MAX REED II,
14 Plaintiff,
15 vs.
16 NEVADA DEPT. OF CORRECTIONS, et al.,
17 Defendants.

Case No. 3:14-cv-00313-MMD-VPC

**DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO FILE
DISPOSITIVE MOTION**

18 Defendants, Renee Baker, Harold Byrne, James Cox, Leslie Healer, Agnes Horn, Felix Kreskey,
19 Grant Luce, Jack Palmer, Rex Reed, Melissa Travis, Lisa Walsh, Adam Watson, Kenneth Webb and
20 Jonathan Wilson, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada,
21 and Benjamin R. Johnson, Deputy Attorney General, hereby move for an enlargement of time to file a
22 dispositive motion. This Motion is based on the following Memorandum of Points and Authorities and all
23 papers and pleadings on file in this case.

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25 pleadings on file herein.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. LAW AND ARGUMENT

This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff Max Reed (Plaintiff) is an inmate in the custody of the Nevada Department of Corrections (NDOC), housed at Southern Desert Correctional Center. Following screening of his complaint, Defendants filed an Answer on November 30, 2015. The Court issued a scheduling order (ECF No. 104 & 111) and the parties participated in discovery. On January 30, 2018, the Court issued an order setting the deadline for dispositive motions for May 1, 2018. (ECF No. 174).

Counsel for Defendants has been preparing for an evidentiary hearing in Case No. 3:16-cv-00309-MMD-VPC. The hearing is set for May 7, 2018. In preparation for the hearing, counsel has taken the deposition of Plaintiff's expert and reviewed dozens of pages of medical records and has been focused on preparing on that hearing. Counsel needs a short extension of time complete a dispositive motion and obtain the requisite evidentiary and authenticating declarations.

FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

The proper procedure, when additional time for any purpose is needed, is to present a request for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8 F.R.D. 268 (N.D. Ohio 1947).

Defendants seek an enlargement of time to file a motion for summary judgment. Good cause exists to extend the time to file this motion. Plaintiff will not be prejudiced by a small enlargement of time to file the motion. This request is made in good faith and is not for the purposes of delay. Defendants request an extension of twenty-one days to file a Motion for Summary Judgment.

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II. CONCLUSION

Based on the foregoing, Defendants respectfully request their motion for enlargement of time is granted and the deadline for filing a motion for summary judgment be extended twenty-one (21) days up to and including May 22, 2018.

DATED this 1st day of May, 2018.

ADAM PAUL LAXALT
Attorney General

By: Benjamin R. Johnson
BENJAMIN R. JOHNSON
Deputy Attorney General
State of Nevada
Bureau of Litigation
Public Safety Division

Attorneys for Defendants

APPROVED AND SO ORDERED:

U.S. MAGISTRATE JUDGE

DATED:

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 1st day of May, 2018, I caused a copy of the foregoing, **DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME TO FILE DISPOSITIVE MOTION**, to be served, by U.S. Mail, postage prepaid and addressed to the following:

Max Reed, #1068078
Southern Desert Correctional Center
P. O. Box 308
Indian Springs, NV 89070

Paul Penney
An employee of the
Office of the Attorney General